

The Salisbury Planning Board held its regular meeting on Tuesday, February 12, 2002, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Brian Miller, Rodney Queen, DeeDee Wright, Leigh Ann Loeblein, Ken Mowery, Lou Manning, Eldridge Williams, Elaine Stiller, Sean Reid, John Daniels, Jeff Smith, Fred Dula

ABSENT: None

STAFF: Harold Poole, Patrick Kennerly, Hubert Furr, Dan Mikkelson, Janice Hartis

The meeting was called to order by Chairman Wright. The minutes of January 22, 2002, were approved as published.

ZONING MAP AMENDMENTS

Z-1-02 Scott A. Redinger, Inc. and Ellen Engelhardt Development, Newsome Road

Location: Newsome Road south of its intersection with Fairfax Drive

Size: Approximately 4.56 acres of a 9.43 acre tract

Existing Zoning: R-8 Single Family-8 Residential

Proposed Zoning: R-6A Multi-Family Residential

(a) Chairman Wright convened a courtesy hearing on Z-1-02.

Those speaking in favor of the zoning change request:

Scott Redinger and Ellen Engelhardt – Have been looking for an area to develop a housing complex for lower income elderly persons. This property is convenient to the shopping areas at Innes Street Market. Have held two neighborhood meetings to share with the residents what they are proposing to do with the property. Proposing to develop 40 apartment units—32 one-bedroom units and 8 two-bedroom units on 4.56 acres. The residents are concerned with traffic and the speed limit on Newsome Road and what impact this project will have on the traffic. One thing they can do to address this issue is to build a slow-down lane or turn lane as part of the process.

Charles Steinman, present property owner – Has checked one of the properties that Mr. Redinger and Ms. Engelhardt have completed in Charlotte and was most impressed. This project would be an asset to the neighborhood.

Those speaking in opposition to the zoning change request:

None

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Rodney Queen – Probably didn't see any opposition at today's meeting because of the work the petitioners did working with the community ahead of the game. This property was

considered by the Planning Board last year for rezoning to RD-A. There was opposition from the neighborhood, and the Planning Board recommended denying the request. When you see something come before the Board that is as well prepared as this, it's probably one of the best opportunities we'll get for development in that area.

Sean Reid questioned rezoning this property to R-6A Multi-Family Residential, the possibility of funding not coming through for this elderly project, and the possibility of the property being sold to someone with plans other than for elderly units.

Ken Mowery recalled that at the previous rezoning hearing for this piece of property, there was adamant opposition to the rezoning. There was no opposition at today's hearing. Would be disappointed if another rezoning petition was submitted for rezoning the remainder of the nine-acre tract for a higher density.

Jeff Smith commented he was comfortable with only half of the property being requested for rezoning rather than the entire tract.

Mr. Smith moved to recommend rezoning the property as proposed. The motion was seconded by Ken Mowery with all members voting AYE.

Z-2-02 Royal Homes Construction and Development, Sunset Drive near South Main Street

Location: Sunset Drive near South Main Street

Size: Approximately 36,590 square feet

Existing Zoning: RD-A Residential Development "A"

Proposed Zoning: B-RT Retail Trade Business

(a) Chairman Wright convened a Courtesy Hearing on Z-2-02.

Mr. Poole explained that a developer is proposing a neotraditional-type development for the entire 23-acre tract which he owns. The property under consideration would be a commercial component of that development. This property is located behind Plej's on South Main Street.

Those speaking in favor of the zoning change request:

Babak Emadi, representing the urban design and architecture firm developing this project- the plan calls for mostly single family homes; a village green will be provided surrounded by four buildings of townhomes; a daycare is being considered for this piece of property; the property owner would also like to locate a small coffee shop with outdoor patio space on the property. Due to power lines and telephone lines running through the middle of the property, there is a small area rendered useless which abuts B-6 property along South Main Street. This property is being considered for mini-storage usage by the residents of the development.

Reza Djali, one of the principal property owners – trying to bring a concept of "Mayberry" into Salisbury by setting up a community which will have a place for the residents to gather; would like to provide a daycare for the residents in the community; also wants to locate a general store/coffee shop as a gathering place for the residents.

Mark Lewis, 136 Rugby Road – the B-RT is a less intense zoning and a good transition from B-6 going into a residential district; it's a complementary use to RD-A and to the

apartments across the street; this a wonderful infill use of undeveloped property and will not require the extension of water and sewer.

Those speaking in opposition to the zoning change request:

Terry Eller, 236 Rowan Mills Road – has called and complained about the stop light at Sunset Drive and U. S. 29 numerous times; this stop light, in its present working condition, cannot sustain very much more traffic or there's going to be traffic backed up onto Jake Alexander; turning left off Jake Alexander onto U. S. 29 is a big problem; Sunset Drive is a very narrow, curvy road.

Dean Turner, has bought the house at 609 Sunset Drive – Sunset Drive is lined with approximately 50-60 homes on acre lots; what is being proposed is high density housing right on top of them; there are already two apartment complexes on this road; what is being proposed will destroy the neighborhood; objects to the proposed development as well as the proposed retail use; what happens to the property if the daycare center closes; a convenience store could locate on the property.

Susan Pfannes, 204 Balfour Drive – not in opposition to the proposed rezoning but hopes it will be carefully evaluated. Promises were made to them when the property behind them was rezoned (Kidz Sports) for the provision of landscaping and a privacy fence. There is no fence and no landscaping. Concerned that Briarwood Drive, which is next to her property, will be opened as access for this development.

The Chairman closed the Courtesy Hearing on this case.

(b) Board Discussion:

Sean Reid – This is a great idea. B-RT is about the best at the moment for the property, although there are a number of uses in the district which could be detrimental. Suggested looking at an “S” district and working with the neighbors as to what uses would be compatible with the neighborhood. Hopes that the B-RT district can be cleaned up. He moved to send the matter to a committee. The motion died for lack of a second.

Brian Miller – The 2020 policies would support neighborhood-serving businesses. Realizes that the B-RT has some uses that the neighborhood wouldn't want, but at the same time, there are a lot of uses that could be very beneficial. Concerned with the narrowness of Sunset Drive.

Brian Miller moved to recommend approving the rezoning to B-RT as proposed. The motion was seconded by Elaine Stiller.

Elaine Stiller – If someone is developing property with the idea of being a neighborhood, feels that the developer would not locate anything on the property which would be detrimental

Leigh Ann Loeblein – Encouraged the developer to meet with the neighbors and work out a compromise in some of the site design issues.

DeeDee Wright – Concerned with the number of uses in B-RT, the narrowness of Sunset Drive, and the traffic problems at the intersection of Sunset Drive and U. S. 29.

Jeff Smith – Agrees with the concern about the width of Sunset Drive. That will be a concern whether this property is rezoned or not. The density is coming because of the existing R-DA zoning. The decision today deals with a small piece of property going to commercial. Understands the concerns of the neighbors. Thinks that this corner property fits with the Salisbury 2020 plan.

The motion carried to recommend the rezoning as proposed with all members voting AYE except Messrs. Reid, Williams and Manning who voted NAY.

Z-3-02 Royal Homes Construction and Development, Sunset Drive near South Main Street

Location: 200 feet off the west side of South Main Street between Sunset Drive and Rowan Mills Road

Size: Approximately 30,492 square feet

Existing Zoning: RD-A Residential Development “A”

Proposed Zoning: B-6 General Business

(a) Chairman Wright convened a Courtesy Hearing on Z-3-02.

Mr. Poole explained that this small piece of property is also part of the 23-acre tract mentioned above. The property is triangular-shaped with B-6 zoning around it. Access to this property will probably come from within the development itself rather than coming off South Main Street. This area has overhead power and telephone lines running through it. This property is being considered for mini-storage.

Those speaking in favor of the zoning change request:

Babak Emadi – it is an efficient way of using the property for something that supports the needs of the neighborhood

Eric Wood, Pilot Developers, 450 Auction Drive – currently owns property that abuts the property proposed for rezoning – has no problem with the proposed change

Reza Djali – this property will be used for self-storage units for the people living in the planned neighborhood; because the houses will be small, there will be a definite need for storage capabilities

Those speaking in opposition to the zoning change request

Susan Pfannes, 204 Balfour Drive – concerned with what could locate on the property if the property were rezoned to B-6 and the proposed development did not occur

John Pfannes, 204 Balfour Drive – asked if there would be access through Briarwood Drive for this proposed development

The Chairman closed the Courtesy Hearing on this case.

(b) Board Discussion:

Jeff Smith – The rezoning seems to make sense

Rodney Queen – When you get into high density development in RD-A districts, it should almost be mandatory to provide storage facilities; suggested putting an “S” district on this property and stipulating the only use would be storage facilities (the Planning Board cannot

recommend an “S” district but it could be referred to a committee to work with the developer in making a request for an “S” district).

Sean Reid – Neighbors should be part of the discussion as to what is going to be in their back door; look at the “S” district

Mr. Reid moved to send the matter to a committee. The motion was seconded by Eldridge Williams.

Leigh Ann Loeblein – Comfortable with allowing the B-6 for this property because it is adjacent to B-6 and any of those uses could occur in the adjacent B-6 property

Brian Miller – If a tavern would locate on this property, the property does not have good road frontage and you would have to drive through a neighborhood to get to the tavern, all deterrents for such a use

Those voting in favor of the motion to send to a committee were Messrs. Reid and Williams with the remaining board members voting NAY. The motion was denied.

Jeff Smith moved to recommend rezoning to B-6 as proposed. The motion was seconded by Leigh Ann Loeblein with all members voting AYE with all members voting AYE except Messrs. Reid and Williams who voted NAY. The motion carried.

GROUP DEVELOPMENTS

G-16-01 Imaging and Physical Therapy Center, Corporate Circle

Ken Mowery and Fred Dula were excused from the Board during discussion of this matter.

A new medical office building is proposed to be built on Corporate Circle. The Technical Review Committee recommends approval. Rick Parker, representing Rowan Regional Medical Center, spoke in favor of the proposal for a diagnostic imaging/physical therapy center. Sean Reid moved to recommend approval. The motion was seconded by Rodney Queen with all members voting AYE.

G-1-02 Tommy Whitley Apartments, 700 block Wilson Road

A plan has been submitted for the construction of a seven-unit apartment. The Technical Review Committee recommends approval.

Herman Burney, 712 Grace Street – opposed to the proposed apartments; he is responsible for four properties in the area and has made major improvements to the area; owner-occupancy is best for this neighborhood; apartments will not help his property values.

Tommy Whitley, 365 Trexler Road – has cleaned up the area and wishes to build a very nice apartment complex on the property which will be well landscaped and looked after.

Rodney Queen – had looked at the property for potential development and couldn't imagine any spot that looked as bad as this in the city; if the developer is cleaning up the site and going to build a nice unit, he would be adding to the neighborhood; this would not hurt the neighborhood; zoned multi-family with a lot of rental duplexes in the neighborhood. He moved to recommend approval of the site plan. The motion was seconded by Ken Mowery.

Leigh Ann Loeblein commented she did not see any plant sizes, planting detail, what type of crape myrtle will be used, nor the zoning of the adjacent property on the site plan. She was concerned that the Technical Review Committee does not hold each developer to the same standard when submitting plans. She did not think the submitted plan was acceptable.

Sean Reid further commented that even though something is approved by the Technical Review Committee doesn't mean the Planning Board has to rubber stamp and accept the plan.

Ken Mowery withdrew his second and the motion was withdrawn.

Leigh Ann Loeblein moved to send the site plan back to the Technical Review Committee for further information, specifically to go down the checklist of required items on the site plan and show them on the site plan. The motion was seconded by Lou Manning. Those voting in favor of the motion were Leigh Ann Loeblein, Lou Manning, Ken Mowery, DeeDee Wright, Sean Reid, and Eldridge Williams. Those voting against the motion were Elaine Stiller, Jeff Smith, Rodney Queen, Fred Dula and John Daniels (Brian Miller had left the meeting prior to discussion of this case). The motion carried.

TRANSPORTATION MATTER

Debbie Collins, 510 Club House Drive, addressed the Planning Board about a growing problem in our community—safety related to tractor trailers traveling through our community. She is particularly talking about Mahaley and Confederate as it leads to Main Street on 11th Street. She witnessed a tandem truck losing control in a curve on Mahaley-Confederate at Henderson Street, crossing the center line, and almost landing in the two yards on the left-hand side of the street. Why aren't the trucks using Jake Alexander Boulevard which is more suitable for truck traffic. The trucks are too heavy and too tall to pass on the two-lane streets. In order to make a right-hand turn at the intersection of Confederate and Club House Drive, trucks have to come to a complete stop, make sure the intersection is totally clear, and cross into the left-hand lane in order to make the right turn. There are limited sidewalks in the area. There are houses on Confederate and 11th Street that are very close to the street, and children play in the front yard of those houses. As Salisbury continues to grow, we will continue to have a safety problem. She asked the Board to consider eliminating the through-truck traffic in this area by changing the designation from a major thoroughfare street to a local street along Confederate Avenue, Club House Drive and 11th Street.

This matter was referred to the Transportation Committee consisting of Fred Dula, Lou Manning, John Daniels and Eldridge Williams.

COMMITTEE REPORTS

(a) Legislative Committee – Rodney Queen gave the committee report. Within an approved group development, whether in all phases or in only approved phases, it would allow a total density figure to be considered, whether individual properties within the site plan were sold off or not. But if the site plan is ever approved for deletion of certain areas, those certain areas' densities must be approved separately. On a motion by Sean Reid, seconded by Rodney Queen, with all members voting AYE, the following zoning text amendment to Section 12.06, Group Development, paragraph 3, Requirements, part (c) was recommended to City Council for their consideration.

For calculation of the density of the site plan, use the entire approved site plan—not individual lots that may be created within the total approved site plan. If the site plan is presented in phases, use the phases that have been approved (i.e., if Phase I has been approved, use only that phase in the calculations; if Phases I and II have been approved, use both those phases together). If it is requested that an individual lot be removed from the site plan, its density will be considered separately.

(b) U. S. 70 Committee – Jeff Smith gave a status report. Hope to have a report at the next meeting.

(c) Park Avenue Study Committee – Sean Reid gave a status report. The committee will soon take a van tour of the study area and look at what is presently in the area and try to figure out the proper zoning.

NOMINATING COMMITTEE

Chairman Wright appointed Rodney Queen, Elaine Stiller and Eldridge Williams to a Nominating Committee with Mr. Queen serving as chairman.

There being no further business to come before the Board, the meeting was adjourned.

Chairman

Secretary